

perty of theirs having been actually confiscated and taken into the public treasury.

It appears from the various documents and vouchers produced by the petitioner himself, that the Mollisons were English merchants resident in London, engaged very extensively in trade to this country; that they had, in Maryland, a store at Georgetown, another at Bladensburg, a third at Pamunky, in Charles County, a fourth at Pig Point, and a fifth at Huntingtown, in Calvert County; that they received from various persons in Maryland large consignments of tobacco; and amongst others, that this debt now claimed originated in that way; that their trade was continued to about the year 1775; that they had debts due to them, from debtors dispersed over the whole of the then settled portion of the Western Shore of Maryland, to the amount of about £17,000 sterling; about £13,000 of which is represented to have been due from persons who were solvent at or after the peace; and that Samuel C. Hepburn, the executor of the late creditor, at the time, and for many years after, resided in Prince George's County, about mid-way between those

124 *several stores; and, as it would seem, in the midst of the Maryland debtors of the Mollisons.

But it has been urged, that this creditor Samuel C. Hepburn had no knowledge of the fact, that any portion of the property of the Mollisons had been confiscated and taken into the treasury. The records of the treasury must certainly shew what has been at any time past, received into it from every source as well as from the ordinary one of taxation; they are public and open to the inspection and use of every one at all interested in any fund, that may have been carried into it. And it is a well known historical fact, that the system of the Revolutionary confiscation laws, from the time of the passage of the first of them, and for many years after, agitated, interested and engaged the attention of the people of Maryland more intensely than any other set of laws, that ever were passed by their representatives. With regard to the Mollisons in particular it appears, in addition to what has been already stated, that a large amount of their property, which had been confiscated, was publicly advertised for sale, and sold at auction on the 20th of October, 1783, and the proceeds paid into the treasury; out of which one of their creditors, it appears, was ordered by the Legislature to be satisfied, on the ground of its being then, 1805, shewn, that there were at that time no debts due to them. Resol. 1805, No. 20.

From all these circumstances, it is but fair to presume, and I cannot withhold my belief of the fact, that Samuel C. Hepburn did know, or might, by any reasonable degree of diligence have informed himself, of an amount of those debts of the Mollisons abundantly sufficient to satisfy his claim. But apart from those funds; and if he actually did not know of any of them, and after